IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 11TH SEPTEMBER 2006 / 20TH BHADRA 1928

Bail Appl..No. 4597 of 2006

---

CRIME NO.59/2006 OF CHADAYAMANGALAM EXCISE RANGE

.....

PETITIONER/ACCUSED

---

PUSHPARAJAN, S/O SREEDHARAN,
CHARUVILA PUTHENVEEDU, MYLOD DESOM,
POOYAPALLY VILLAGE, KOTTARAKARA TALUK.

BY ADV. SRI.PREMCHAND R.NAIR

RESPONDENTS: COMPLAINANT

---

STATE OF KERALA REPRESENTED BY
EXCISE-INSPECTOR,
CHADAYAMANGALAM EXCISE RANGE REPRESENTED THROUGH
PUBLIC PROSECUTOR,HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/09/2006, ALONG WITH BA NO. 5335 OF 2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**J.M.JAMES, J.**

**----------**

**B.A.Nos. 4597/2006 & 5335/2006**

**----------**

**DATED THIS THE 11TH DAY OF SEPTEMBER, 2006**

**O R D E R**

The petitioner was arrested on 10.7.2006 with seven liters of illicit arrack, by the Excise Range Inspector, Chadayamangalam, who registered C.R.No.59/2006 for the offence punishable under Section 8(1) & (2) of the Abkari Act. Similarly he was also found in illegal possession of three liters of illicit arrack on 31.1.2006. But he could not be arrested. However, on his arrest in C.R.No.59/2006 of Chadayamangalam Excise Range, Pooyappally Police recorded his arrest on 9.8.2006.

2. B.A.No.4597/2006 is preferred in C.R.No.59/2006 and B.A.No.5335/2006 is preferred in crime No.54/2006, under Section 439 Cr.P.C.

3. The learned Public prosecutor submitted that the petitioner is a person who was arrested and proceeded under the abkari Act, which ended in conviction on 23.8.2006. The prosecution, therefore, submitted that he

is a habitual offender. The applications are therefore, opposed.

4. The investigation, in respect of C.R.No.59/2006 of Chadayamangalam Excise Range and crime No.54/2006 of Pooyappally Police Station, are not complete. He remains in judicial custody from 10.7.2006. In the above facts situation, I grant bail to the petitioner in both the bail applications and release him from jail, subject to the following conditions:-

> (a). The petitioner shall execute separate bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class-II, Kottarakkara.
>
> (b). The petitioner shall report before the Investigating Officer of Chadayamangalam Excise Rage, once in a week on every Saturday, between 10.00 a.m and 11.00 a.m., for a period of three months, starting from 16.9.2006, and shall also report before the Investigating

Officer in crime No.54/2006 of Pooyappally Police Station, on every Monday, between the same timings, for a period of three months, starting from 18.9.2006, and thereafter, on the first and second working days of every month respectively, between the same timings, till the final trial and disposal of the Sessions Case, in both C.R.No.59/2006 and crime No.54/2006, as stated above.

Both the applications are allowed as above.

**J.M.JAMES**
**JUDGE**

mrcs